

109TH CONGRESS
2D SESSION

S. 3490

To direct the Secretary of the Interior to initiate and complete an evaluation of land and water located in northeastern Pennsylvania for future acquisition and inclusion in a potential Cherry Valley National Wildlife Refuge, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 12, 2006

Mr. SANTORUM introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To direct the Secretary of the Interior to initiate and complete an evaluation of land and water located in northeastern Pennsylvania for future acquisition and inclusion in a potential Cherry Valley National Wildlife Refuge, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Cherry Valley National
5 Wildlife Refuge Study Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) the scenic Cherry Valley area of north-
2 eastern Pennsylvania is blessed with more than 80
3 special-concern animal and plant species and natural
4 habitats;

5 (2) 6 species that are listed as endangered spe-
6 cies or threatened species under the Endangered
7 Species Act of 1973 (16 U.S.C. 1531 et seq.) have
8 been documented within or near Cherry Valley, in-
9 cluding—

10 (A) the bog turtle (possibly the most sig-
11 nificant population of the listed subspecies);

12 (B) the dwarf wedge mussel;

13 (C) the northeastern bulrush;

14 (D) the small whorled pogonia;

15 (E) the bald eagle; and

16 (F) the Indiana bat (a historic resident,
17 for which efforts to reestablish favorable condi-
18 tions are being carried out);

19 (3) Cherry Valley provides habitat for at least
20 79 species of national or regional concern, which ei-
21 ther nest in Cherry Valley or migrate through the
22 area during critical times in their life cycle, includ-
23 ing—

24 (A) neotropical migratory birds, such as
25 the Cerulean Warbler, the Worm-eating War-

1 bler, and the Wood Thrush, all of which nest in
 2 Cherry Valley;

3 (B) waterfowl, such as the American Black
 4 Duck;

5 (C) several globally rare plants, such as
 6 the spreading globeflower; and

7 (D) anadromous fish species;

8 (4)(A) the Cherry Valley watershed encom-
 9 passes a large segment of the Kittatinny Ridge, an
 10 important migration route for birds of prey through-
 11 out the northeastern United States; and

12 (B) every migratory raptor species in the north-
 13 east United States is regularly observed along the
 14 Kittatinny Ridge during the autumnal migration, in-
 15 cluding the bald eagle, the golden eagle, and the
 16 broad-winged hawk;

17 (5) the Kittatinny Ridge also includes a long
 18 segment of the Appalachian Trail, a nationally sig-
 19 nificant natural, cultural, and recreational feature;

20 (6) many of the significant wildlife habitats
 21 found in Cherry Valley, especially the rare cal-
 22 careous wetlands, have disappeared from other local-
 23 ities in that range;

24 (7) ongoing studies have documented the high
 25 water quality of Cherry Creek;

(8) 2 federally-owned parcels of land are contiguous to the area to be studied under this Act for acquisition and inclusion in a potential Cherry Valley National Wildlife Refuge, including—

(A) the Delaware Water Gap National Recreation Area; and

(B) a 700-acre segment of the Appalachian Trail owned by the National Park Service; and

(9) public meetings over several years have demonstrated strong, deep, and growing local support for a Cherry Valley National Wildlife Refuge, as demonstrated by the following:

(A) Area landowners, business and community leaders, media, and elected officials have consistently voiced their enthusiasm for a Cherry Valley National Wildlife Refuge.

(B)(i) Numerous local communities and public and private conservation entities share complementary goals for protecting Cherry Valley and are energetically conserving wildlife habitat and farmland.

(ii) Along with State land management agencies and the National Park Service, those local entities—

1 (I) represent potential strong partners
 2 for the United States Fish and Wildlife
 3 Service; and

4 (II) view a Cherry Valley National
 5 Wildlife Refuge as a complement to exist-
 6 ing private, county, municipal, and State
 7 efforts.

8 (C) A number of local landowners have al-
 9 ready put their land into conservation ease-
 10 ments or other conservation arrangements.

11 (D) A voter-approved Monroe County,
 12 Pennsylvania, open space fund and a voter-ap-
 13 proved Stroud Township, Pennsylvania, munic-
 14 ipal land conservation fund have contributed to
 15 many of the projects described in this para-
 16 graph.

17 **SEC. 3. DEFINITIONS.**

18 In this Act:

19 (1) MAP.—The term “map” means the map en-
 20 titled “Proposed Cherry Valley National Wildlife
 21 Refuge—Authorization Boundary” and dated Feb-
 22 ruary 24, 2005.

23 (2) SECRETARY.—The term “Secretary” means
 24 the Secretary of the Interior.

1 (3) STUDY AREA.—The term “Study Area”
 2 means the fish and wildlife habitat and aquatic and
 3 terrestrial communities in Cherry Valley that are—

4 (A) located in northeastern Pennsylvania;

5 and

6 (B) identified on the map.

7 **SEC. 4. STUDY OF REFUGE POTENTIAL AND FUTURE REF-**
 8 **UGE LAND ACQUISITION.**

9 (a) STUDY.—Not later than 30 days after the date
 10 of enactment of this Act, the Secretary shall initiate a
 11 study to evaluate the Study Area for—

12 (1) the potential acquisition of the Study Area
 13 by the United States Fish and Wildlife Service
 14 through donation, exchange, or voluntary sale; and

15 (2) the subsequent inclusion of the Study Area
 16 in a potential Cherry Valley National Wildlife Ref-
 17 uge.

18 (b) CONSULTATION.—In conducting the study under
 19 subsection (a), the Secretary shall consult with appro-
 20 priate State and local officials, private conservation orga-
 21 nizations, affected major landowners, and other interested
 22 persons regarding, with respect to the Study Area—

23 (1) the identification of eligible land, water, and
 24 interests that are appropriate for acquisition for a
 25 national wildlife refuge; and

1 (2) the determination of the boundaries within
2 which such an acquisition should be made.

3 (c) INCLUSIONS.—In conducting the study under
4 subsection (a), the Secretary shall—

5 (1) determine whether the Study Area is suit-
6 able for—

7 (A) inclusion in the National Wildlife Ref-
8 uge System; and

9 (B) management in accordance with the
10 policies of the National Wildlife Refuge System
11 Administration Act of 1966 (16 U.S.C. 668dd
12 et seq.);

13 (2) assess the conservation benefits to be gained
14 from the establishment of a Cherry Valley National
15 Wildlife Refuge including—

16 (A) preservation and maintenance of di-
17 verse populations of fish, wildlife, and plants,
18 including species listed as threatened species or
19 endangered species under the Endangered Spe-
20 cies Act of 1973 (16 U.S.C. 1531 et seq.);

21 (B) protection and enhancement of aquatic
22 and wetland habitats;

23 (C) opportunities for compatible wildlife-
24 dependent recreation, scientific research, and

1 environmental education and interpretation;
2 and

3 (D) fulfillment of international obligations
4 of the United States with respect to fish and
5 wildlife and their habitats; and

6 (3)(A) provide an opportunity for public partici-
7 pation; and

8 (B) give special consideration to views ex-
9 pressed by local public and private entities regarding
10 land, water, and interests in the Study Area for fu-
11 ture acquisition for refuge purposes.

12 (d) LIMITATION.—The Secretary shall acquire not
13 more than 30,000 total acres of land, water, and interests
14 in the Study Area.

15 (e) REPORT.—

16 (1) IN GENERAL.—Not later than 1 year after
17 the date of enactment of this Act, the Secretary
18 shall—

19 (A) complete the study under subsection
20 (a); and

21 (B) submit to the Committee on Environ-
22 ment and Public Works of the Senate and the
23 Committee on Resources of the House of Rep-
24 resentatives a report describing the results of
25 the study.

1 (2) INCLUSIONS.—The report under paragraph

2 (1)(B) shall include—

3 (A) a map that—

4 (i) identifies and prioritizes specific
5 land, water, and interests in the Study
6 Area for future acquisition by the Sec-
7 retary; and

8 (ii) delineates an acquisition boundary
9 for a potential Cherry Valley National
10 Wildlife Refuge;

11 (B) a cost estimate for the acquisition of
12 such land, water, and interests in the Study
13 Area as the Secretary determines to be appro-
14 priate for refuge status; and

15 (C) an estimate of funds that could be
16 made available from non-Federal sources for
17 the acquisition and management of land, water,
18 and interests in the Study Area.

19 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to the Secretary to carry
21 out this section \$200,000.

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